

## MEETING MINUTES

### DARIEN ZONING BOARD OF APPEALS (ZBA)

JUNE 17, 2009

## REGULAR MEETING

Darien Town Hall - Room 206 - 7:48 to 10:15 PM

ZBA members present: Vic Capellupo, Gary Greene, Al Tibbetts, Chuck Deluca,  
Jeff Williams, and John Ashburne,

Staff Present: Code Compliance Officer Robert Woodside and Recorder Judy  
Fazekas

ZBA Chair Vic Capellupo opened the meeting at 7:48 PM. He explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

## CONTINUATION OF PUBLIC HEARING

The following hearing was continued from the May 20, 2009 meeting with various plans and submitted application materials reviewed, possible correspondence and public comment considered, questions asked, and comments made by the ZBA members and Staff:

CALENDAR NO. 12-2009 - the application of Christian Browning filed on March 25, 2009 for variances of Sections 210 and 406 of the Darien Zoning Regulations, to allow the construction of additional basement living space; Section 210: 58.1 in lieu of 50.0 percent maximum allowable basement living space floor area compared to the first floor living space area; and Section 406: 2.581 in lieu of 2.5 maximum allowable stories. The property is situated on the west side of Greenwood Avenue approximately 500 feet north of the intersection of Greenwood Avenue and Camp Avenue and is shown on Assessor's Map #8 as Lot #146, being 17 Greenwood Avenue and located in an R-1/3 (residential) Zone.

Chris Browning answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

## PUBLIC HEARINGS

The following hearings were held with various plans and submitted application materials reviewed, possible correspondence and public comment considered,

questions asked, and comments made by the ZBA members and Staff:

CALENDAR NO. 21-2009 - the application of Douglas C. & Lynne Curtis filed on April 22, 2009 for amendments to the approved plans of Calendar #48-2006; and/or an appeal under Section 1122, of the Darien Zoning Regulations, of the order, requirement, decision, and/or determinations of the Zoning Enforcement Officer; to allow the existing conditions as cited in the Zoning Enforcement Officer's letter of February 27, 2009 to remain as is or to be modified in order to obtain a Certificate of Zoning Compliance. These include to allow the front parking and garage backup area, with adjacent retaining walls and related site features to remain as is; to allow copper flashing and gambrel shaped dormers to remain as is; and to allow the installation of a propane tank and HVAC condenser equipment within a vertical shaft. The property is situated on the east side of Clocks Lane at the northeast corner formed by the intersection of Clocks Lane and Wild Rose Lane and is shown on Assessor's Map #64 as Lot #62, being 10 Clocks Lane and located in an R-1 (residential) Zone.

Attorney Bill Bieluch answered various questions and explained the requests described in the application materials. Zoning Enforcement Officer David Keating explained his determinations and answered various questions. The Public Hearing was then closed.

CALENDAR NO. 23 -2009 - the application of Michael & Christine Imbrogno filed on May 20, 2009 for an amendment to the approved plans of Calendar No. 65-2007, to allow the existing one story kitchen roof reconstruction and the existing second story hallway and dormer construction to remain. The property is situated on the west side of Gardiner Street approximately 170 feet south of the intersection of Stanton Road and Gardiner Street and is shown on Assessor's Map #46 as Lot #43, being 25R Gardiner Street and located in an R-1/2 (residential) Zone.

Builder Mark Fox answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

CALENDAR NO. 24 -2009 - the application of Thomas I. Norelli filed on May 20, 2009 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of a replacement basement garage and a one story addition with deck; Section 406: 10.0 in lieu of 19.9 feet minimum required west side yard setback and 15.1 in lieu of 25.0 feet minimum required total of two side yards setback. The property is situated on the south side of West Elm Street approximately 150 feet east of the intersection of West Elm Street and Edgerton Street and is shown on Assessor's Map #21 as Lot #172, being 18 West Elm Street and located in an R-1/3 (residential) Zone.

Tom Norelli answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

CALENDAR NO. 25 -2009 - the application of Lance Zimmerman AIA on behalf of Sarah & Jason Demark filed on May 20, 2009 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of a two story addition with a Bilco door and HVAC equipment; Section 406: 9.2 in lieu of 15.6 feet minimum required east side yard setback; 14.4 in lieu of 20.8 feet minimum required west side yard setback; and 23.6 in lieu of 30.0 feet minimum required total of two side yards setback. The property is situated on the north side of Middlesex Road Street approximately 400 feet east of the intersection of Middlesex Road and Noroton Avenue and is shown on Assessor's Map #9 as Lot #48, being 225 Middlesex Road and located in an R-1/2 (residential) Zone.

Architect Lance Zimmerman answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. He noted that due to a plan revision the requested variance for the Bilco door was withdrawn. Bill Cavers objected to various aspects of the application. The Public Hearing was then closed.

## **DELIBERATIONS AND DECISIONS**

The following decisions were made after the ZBA members reviewed the public hearing comments, the submitted plans and other application materials, and carefully considered possible stipulations to ensure the best possible project fit among the neighboring properties:

CALENDAR NO. 12-2009 - the application of Christian Browning, 17 Greenwood Avenue. Upon a motion by Gary Greene, seconded by Al Tibbetts, the ZBA voted 4-1 to GRANT WITH STIPULATIONS the above delineated, requested variances. Gary Greene, Jeff Williams, Al Tibbetts, and John Ashburne voted in favor of the motion. Vic Capellupo was opposed. State of Connecticut Statutes require 4 affirmative votes out of the 5 voting ZBA members to approve a variance of the Zoning Regulations. Therefore this request is granted with stipulations.

CALENDAR NO. 21-2009 - the application of Douglas C. & Lynne Curtis, 10 Clocks Lane. Upon a motion by Gary Greene, seconded by Vic Capellupo, the ZBA voted 5-0 to UPHOLD THE DETERMINATIONS OF THE ZONING ENFORCEMENT OFFICER AND DENY THE REQUESTED AMENDMENTS TO THE APPROVED PLANS OF CALENDAR #48-2006. Gary Greene, Jeff

Williams, Chuck Deluca, Vic Capellupo, and Al Tibbetts voted in favor of the motion.

CALENDAR NO. 23-2009 - the application of Michael & Christine Imbrogno, 25R Gardiner Street. Upon a motion by Jeff Williams, seconded by Al Tibbetts, the ZBA voted 5-0 to GRANT the above delineated, requested amendment to the approved plans of Calendar No. 65-2007. Gary Greene, Jeff Williams, Vic Capellupo, Al Tibbetts, and John Ashburne voted in favor of the motion.

CALENDAR NO. 24-2009 - the application of Thomas I. Norelli, 18 West Elm Street. Upon a motion by Chuck Deluca, seconded by Gary Greene, the ZBA voted 5-0 to GRANT the above delineated, requested variances. Gary Greene, Jeff Williams, Chuck Deluca, Vic Capellupo, and Al Tibbetts voted in favor of the motion.

CALENDAR NO. 25-2009 - The application of Lance Zimmerman AIA on behalf of Sarah & Jason Demark, 225 Middlesex Road. Upon a motion by Jeff Williams, seconded by Gary Greene, the ZBA voted 5-0 to GRANT WITH A STIPULATION the above delineated, requested variances. Gary Greene, Jeff Williams, Chuck Deluca, Vic Capellupo, and Al Tibbetts voted in favor of the motion.

### **OTHER BUSINESS**

The following additional decisions were made after the ZBA members reviewed the submitted documents, correspondence and/or project plans:

Requested amendment to the approved plans of Calendar No. 10-2009, Scott M. and Julie L. Johnston, 27 Beach Drive. Upon a motion by Al Tibbetts, seconded by Gary Greene, the ZBA voted 5-0 to GRANT WITH A STIPULATION the request. Gary Greene, Jeff Williams, Chuck Deluca, Vic Capellupo, and Al Tibbetts voted in favor of the motion.

Approval of Minutes of meeting on May 20, 2009. ZBA members attending this meeting were Vic Capellupo, Al Tibbetts, Gary Greene, Jeff Williams, Ruth Anne Ramsey, and John Ashburne. Upon a motion Al Tibbetts, seconded by Vic Capellupo, the ZBA voted 5-0 to APPROVE the subject minutes. Gary Greene, Jeff Williams, Al Tibbetts, Vic Capellupo, and John Ashburne voted in favor of the motion. Ruth Anne Ramsey also previously indicated her approval.

Approval of Minutes and Resolutions of the following public hearing application decisions made on May 20, 2009. Seated ZBA members for these decisions were Vic Capellupo, Gary Greene, Al Tibbetts, Jeff Williams, Ruth Anne Ramsey, and

John Ashburne. Upon a motion Al Tibbetts, seconded by Vic Capellupo, the ZBA voted 5-0 to APPROVE the subject minutes. Gary Greene, Jeff Williams, Al Tibbetts, Vic Capellupo, and John Ashburne voted in favor of the motion. Ruth Anne Ramsey also previously indicated her approval.

Calendar #18-2009 Carruthers, 34 Intervale Road  
Calendar #19-2009 Post Road Eleven, 1292 Boston Post Road  
Calendar #20-2009 Alliegro, 6 Hillcrest Avenue  
Calendar #22-2009 Carruthers, 18 Thomasina Lane

Election of Officers. Upon a motion by Al Tibbetts, seconded by Jeff Williams, the regular ZBA members voted 4 -0-1 to elect Vic Capellupo Chair for the term July 1, 2009 to June 30, 2010. Gary Greene, Jeff Williams, Al Tibbetts, and Chuck Deluca voted in favor of the motion. Vic Capellupo abstained.

Upon a separate motion by Vic Capellupo, seconded by Al Tibbetts, the regular ZBA members voted 4 -0-1 to elect Gary Greene Vice Chair for the term July 1, 2009 to June 30, 2010. Vic Capellupo, Jeff Williams, Al Tibbetts, and Chuck Deluca voted in favor of the motion. Gary Greene abstained.

Approval of 2010 Meeting Schedule. Upon a motion by Gary Greene, seconded by Chuck Deluca, the ZBA voted 6 -0 to approve the proposed meeting schedule. Gary Greene, Jeff Williams, Al Tibbetts, Vic Capellupo, Chuck Deluca, and John Ashburne voted in favor of the motion.

The meeting was adjourned at 10:15 PM.

These Minutes and Resolution were reviewed by the attending ZBA members, and upon a motion by Al Tibbetts, seconded by Vic Capellupo, the ZBA voted 4-0 to approve the subject minutes, at the ZBA meeting on July 15, 2009. Al Tibbetts, Vic Capellupo, Chuck Deluca and Jeff Williams voted in favor of the motion. Gary Greene and John Ashburne also previously indicated their approval.

Respectfully submitted June 24, 2009,  
by Robert Woodside,  
Code Compliance Officer  
ZBA Staff